



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENT  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/939,185	09/29/1997	JEAN M. GOLDSCHMIDT IKI	042390.P4500	3633

7590 04/07/2004

LAWRENCE M CHO  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
7TH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

NGUYEN, CAO H

ART UNIT PAPER NUMBER

2173

DATE MAILED: 04/07/2004

28

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N

08/939,185

Applicant(s)

GOLDSCHMIDT IKI ET AL.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final. *2nd*
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 91-117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 91-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 91-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (US Patent No. 5,589,892) in view of Lopresti et al. (US Patent No. 5,889,506).

Regarding claim 91, Knee discloses a method for managing television program information in an entertainment system comprising: receiving broadcast television programming from a broadcast source (see figures 8-10); presenting a television programming guide to a user, the television programming, guide showing, a plurality of different television programs on each of a plurality of different television channels, data to support the television programming guide being stored in a location local to the entertainment system (see col. 42, lines 36-67); upon selection of a particular one of the television-programs of the television programming guide, presenting television program data about the selected television program (see col. Col. 43-44, lines 1-67). However, Knee fails to explicitly teach presenting a multimedia identifier to the user within the television programming guide together with the television program data, the multimedia identifier being associated with further data about the selected a particular television program; determining a location of the television program data corresponding to the multimedia identifier upon the multimedia identifier being selected by the user; retrieving the television program data corresponding to the selected multimedia identifier from a location remote from

Art Unit: 2173

the storage location of the television programming guide and separate from the broadcast source; and presenting the television program data to the user at the entertainment system within the television programming guide.

Lopresti teaches presenting a multimedia identifier to the user within the television programming guide, the multimedia identifier being associated with data about a particular television program [..the audio/video control may include a television tuner to supply the necessary audio and video signals to the VCR.; see col. 5, lines 30-37 and figure 4]; determining a location of the television program data corresponding to the multimedia identifier upon the multimedia identifier being selected by the user the command bar provides access to various functions.; see col. 7, lines 35-67]; retrieving the television program data corresponding to the selected multimedia identifier from a location remote from the storage location of the television programming guide and separate from the broadcast source [..the TV schedule and the VCR schedule are maintained as separate data structures, so that the user may program the TV and VCR independently.; see col. 10, lines 6-21]; and presenting the television program data to the user at the entertainment system within the television programming guide [..the TV schedule is an active schedule capable of highlighting which are current programs, updating the display in real time.; see col. 9, lines 10-61]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide presenting a multimedia identifier to the user within the television programming guide, the multimedia identifier being associated with data about a particular television program as taught by Lopresti used by combination of Knee's EPG system in order to provide an electronic TV program guide with an interact home shopping service and services associated with the EPG or a particular program.

Regarding claim 92, Lopresti discloses wherein retrieving the television program data comprises retrieving the television program data from a remote web server [the shopping button could call up a web site on the Internet that could be used as a starting point for supplying hypertext links to other shopping locations..; see col. 10, lines 44-67].

Regarding claim 93, Lopresti discloses further comprising obtaining the Television programming guide by the entertainment system from a broadcast source different from the remote web server (see figure 2).

Regarding claim 94, Knee discloses wherein retrieving the television program data comprises retrieving the television program data from a component of the entertainment system (see col. 10, lines 5-67).

Regarding claim 95, Lopresti discloses wherein the selected multimedia identifier corresponds to an identifier portion in a record stored in a database at the storage location of the television programming guide (see col. 6, lines 18-62).

As claims 96-109 are analyzed as previously discussed with respected to claims 91-95 above.

Claim 110, differs in claims 91 and 103 in that “a data engine to receive the reformatted television programming guide data from the parser and store the reformatted television programming guide data in a local database; and a graphical query interface to access the reformatted television guide programming data stored in the database, to present a television programming guide using the television programming ,guide data, the television programming guide showing a plurality of different television programs on each of a plurality of different television channels, upon selection of a particular one of the television programs of the television

Art Unit: 2173

programming guide, to present television program data about the selected television program together with one or more selectable multimedia identifiers, and to retrieve the further television programming guide data from the identified remote source, upon selection of a corresponding multimedia identifier” which read on Knee (see col. 45, lines 18-67 and col. 46, lines 1-55).

Regarding claim 111, Lopresti discloses wherein the data parser is further to receive the television programming guide data from a plurality of different sources in a plurality of different multimedia data formats, and to reformat the television programming data into a unitary data format (see col. 9, lines 10-61).

Regarding claim 112, Lopresti discloses wherein the data parser is further to receive the television programming guide data from the broadcast source only (see figures 1-2).

Regarding claims 113-115, Knee discloses wherein each of the one or more selectable multimedia identifiers is selectable to deliver one of a critique of the entertainment selection to be rendered, a theme song of the entertainment selection to be rendered, and a video clip of the entertainment selection to be rendered (see figures 43-45).

As claims 116-117 are analyzed as previously discussed with respected to claims 92 and 110 above.

### ***Conclusion***

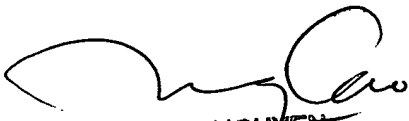
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is 703-305-3972. The examiner can normally be reached on M-F: 9:00AM-6:00PM.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 703-308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER

04/04/04